

DRAFT FILED: 5/18/10
FINAL APPROVAL: 6/16/10

VILLAGE OF CROTON-ON-HUDSON ZONING BOARD OF APPEALS
MEETING MINUTES OF MAY 12, 2010

Members Present: Seth Davis, Chairman
 Rhoda Stephens
 Doug Olcott
 Roseann Schuyler
 Alan Macdonald

Meeting Came to order at 8:00 P.M.

HEARINGS:

Katherine & Clayton Howell, 10 Dailey Drive. Located in a RA-25 District and designated on the Tax Maps of the Village as Section 68.14 Block 6 Lot 3. Request for a rear yard variance to construct a gazebo and landing and to attach it to the existing deck.

Mr. Howell - My wife and I are planning to build a gazebo. We have an existing deck that we would like to extend and attach a gazebo. This is the existing deck and there will be a step down in this area (referring to plans). The only access to the kids play area is on the first level. We are looking to have steps to the gazebo. The gazebo will be attached to the existing deck and we are looking to install a railing as well. The Gazebo will be an octagon shape with a roof. It will be enclosed. It will be streamlined. We chose this plan because it flowed nicely with what we had.

Schuyler – By enclosed you mean screened in?

Howell – Yes.

Discussion followed over plans and the height of the gazebo.

Howell – I am asking for a 14 ft. variance. The reason I am asking for a 14 ft. variance is because I need a 13 ft. variance for the proposed construction and an additional 1 ft. for the existing deck. We did a search on the property and could not find any records with respect to a previous variance for the existing deck. I spoke to my neighbors Mr. & Mrs. Willaman and they have no objections to this application and as you can see they are not here tonight.

Davis – Anyone else like to be heard?

There was no reply.

Hearing Closed.

Olcott – Made Motion to grant a 14 ft. variance for the existing deck and proposed gazebo according to plans submitted and with the following conditions:

The exposed posts will be screened.

The height will be no more than 18 ½ feet measured from grade.

The Gazebo will be physically connected to the lower portion of the existing deck.

Stephens – Second the Motion.

Vote – 5-0 – In Favor.

Mitchel Klein, 12 Riverview Trail. Located in a RA-25 District and is designated on the Tax Maps of the Village as Section 68.17 Block 1 Lot 9. Request for relief from Section 230-40(B) of the Village Code with respect to a proposed accessory building being nearer to the street than the principal building.

Julie Evans, Architect for the applicant - The proposed variance is for a proposed garage to be located in front of the primary structure. It is a flag lot and because of the topography of the land there is no other place to put the garage. We are proposing a one car garage. It will not block the entrance to the house. It will blend in with other surrounding properties. The garage will be cut into the hill. We will be adding a stone wall. We also have drainage issues we will be addressing. That is one reason we were concerned about the location of the garage.

Davis – I will say for the record that parking is badly needed for this property.

Macdonald – How are you planning on removing the rock from that area?

Evans - There is some rock, but it is not continuous. This hard edge wall (referring to plans) will soften up here (referring to plans).

Stephens – It will not interfere with the run off, etc.?

Evans – I have met with Dan O'Connor, the Village Engineer with respect to the existing run-off and how we can help to direct the water back towards the street. The Building Permit plans will be forthcoming.

Macdonald – You do not show the location of your septic.

Evans – Indicating the location of the septic (Referred to plans/survey). If this garage hugs the hill it will also make the yard functional and we will avoid the steep slopes.

Discussion followed over plans.

Evans – The nearest home is way above this property and they have a shed. This area is sort of the zone for out buildings and sheds. The house has vinyl siding and has had a lot of additions. That is another reason for keeping the garage small and set back.

Macdonald – The neighbor has a pool?

Evans – Yes.

Macdonald - Will this construction affect the pool?

Evans – No. It is up hill.

Davis – You are not asking for any side yard variances?

Evans – No.

Davis – Anyone else like to be heard?

There was no reply.

Hearing Closed.

Schuyler – Made Motion to grant the application as submitted for relief from Section 230-40(B) of the Village Code with respect to an accessory structure (proposed one car garage) being closer to the street than the primary building.

Stephens – 2nd the Motion

Vote: 5-0 - In Favor

Peter Tsagarakis/Rakis Inc., 6 Hudson Street, 215 So. Riverside Ave. & Bungalow Road. Located in a RA-5 and C-2 Districts and designated on the Tax Maps of the Village as Section 79.09 Block 1 Lots 52, 53, 54, & 55. Request for the following Special Permits:

- 1. Request for a ZBA Special Permit under Code Section 230-51(C) to allow the location of accessory parking for commercial use (Croton Colonial Diner, Tax Lots 79.09-1- 53-54) on Lots (Tax Lot #: 79.09-001-052 & 055) located in a residential district.**
- 2. Request for a ZBA Special Permit under Code Section 230-52(B) to allow the location of accessory parking spaces for a commercial use (Croton Colonial Diner, Tax Lots 79.09-1-53 & 54) on a lot (Old Harmon Subdivision Lot #99, part of Tax Lots 79.09-1-52 & 53) divided by a district boundary (C-2/RA-5).**
- 3. Request for a ZBA Area Variance under Code Section 230-49(C)(1) to allow the driveway access between the commercial property (Croton Colonial Diner, Tax Lots 79.09-1-53 & 54) and accessory parking on lots (Tax Lots 79.09-1-52 & 55) in a residential district. (Original Application/hearing was held on March 10,**

Gerald Klein, Attorney for the applicant - In 2008 my client first became aware that the Special Permit had expired and needed to be addressed. My client first made a proposal before the Planning Board in 2008. On February 2, of 2009, the Planning Board made a recommendation to the Zoning Board.

The removal of the guard rail has to do with Section 230-49 (C) (1) with respect to Commercially and Residentially zoned property. In order to have access to that portion of the parking area for the purpose of having access from Riverside Ave. There will be no left turn into the parking area from Bungalow Road. The actual demarcation line comes through that lot and therefore, the reason for our request.

With respect to the other lot adjacent to Hudson Street, I will leave that discussion to Ed Gemmola/Gemmola & Associates, Architects & Planners, with respect to a discussion he had with the Village Engineer.

Davis – The variances you are referring to in item #3, Code Section 230-49 (C) (1) and Item #2 are for a Special Permit because it expired and because there were revisions to your request, it therefore, needed to be re-noticed. Correct?

Klein – Correct. We have attempted to address issues that were raised at the last meeting and with respect to conversations we have had with the Village Engineer.

Gemmola – The original Site Plan was prepared by Link Surveyors. The Code requires 39 parking spaces. We made modifications to the site plan. There will be signage in three locations.

There was also discussion with respect to the curb. In terms of getting into the site it would make sense traffic wise. The Planning Board agreed the guard rail should be taken down here (referring to plans). We will stripe this area (referring to plans) as a no parking area in order to address concerns of backing out and so no one will park by this wall (referring to plans). The garbage area is marked. In this area (referring to pictures) the Planning Board commented and asked that the compactor for the garbage be put in another area and the pick-up point will be here (referring to plans). There will be a zone for unloading, a handicapped zone, and there will be a wheel chair accessibility ramp. This area here (referring to plans) will be re-arranged. The access to Hudson Street will be closed off with a masonry wall and with a fence on top to prevent parking in that area. There will be six (6) employee parking spots in the back lot. There will be a total of forty two (42) spaces. The number of parking spaces will be no greater than what exists now. The next step will be to hire an architect to show species of plantings, height, etc. There is a side wall on the other side of Bungalow Road. The proposed stone wall will match the existing wall on that side. It will enhance the property from Bungalow to Riverside Ave. We will provide concrete islands with plantings and there will be paving. The planting will create a good buffer for the neighbors and addresses some of the concerns of the public that were raised at the last meeting. There were also questions with respect to lighting. The values were changed along Hudson and to the grading plans, not much, there was a conduit line. Drainage will flow back in this area (referring to plans). We will hire a civil engineer with respect to the drainage. The drainage will go through another catch basin and out to Riverside Ave. Everything will flow to Riverside and through the Highway. Not in the pond area.

With respect to the suggestion of street parking going north of the village, it is far away and dangerous for anyone to walk across the street to park.

Schuyler – Where will the garbage be located?

Gemmola – It was located in the middle of the site. It will be re-located on to the side of the existing building with screening and a masonry enclosure.

Schuyler - Will the concrete block be hidden with landscaping?

Gemmola – Yes. Some sort of hedge will be used and a low wall, approximately 30” high. There is an existing one here on the north side (referring to plans). I will continue it with a new stone wall and fencing above it and an enclosure for the dumpster. The compactor will be behind it.

Stephens – By moving the compactor to the different location, how many parking spaces will you be losing?

Gemmola - We did not lose any. We just re-arranged it. The last time we had fifty four (54) cars. Thirty-nine (39) are required. Forty-Two are shown here (referring to plans) allowing for the handicap ramp and we made up for it in other areas. Handicapped accessibility makes the building a lot more viable for the elderly.

Davis – In terms of slopes, how flat is that area?

Gemmola – The slope is not very steep (referred to photo). A site visit will show that it is fairly flat.

Stephens – There will be no entry or exit from Hudson Street?

Gemmola – No.

Schuyler – Coming from Riverside as an entrance seems better, but, I do not understand why the entrance on Bungalow Road needs to be there if the guard rail will be removed.

Gemmola – For ambulances, etc., it would be easier. If you were to make that a suggestion, I would take that into consideration.

Discussion followed over plans.

Gemmola – Since there is no light here (referring to plans) it will be easier making a right turn in. It is designed to discourage left hand turns in from Bungalow Rd. This way is a lot safer for traffic and pedestrians and it made sense according to the Planning Board.

Discussion followed over plans with respect to access from Bungalow Rd.

Davis - I think the biggest concern is with all of the traffic going in and out on Riverside and I feel this plan has taken some of the pressure off that.

Macdonald – Raised the issue of lighting.

Discussion followed over plans with respect to the type of lighting and having it be “neighbor friendly”.

Gemmola – It will be shielded lighting and will throw off less light on the neighborhood.

Macdonald – Will you be building the wall at the edge of the pavement?

Gemmola - Not at the edge. It is set back from the property line. The property line is 4 ft., 5 ft., and 6 ft. to 7 ft. in some areas to the pavement. The rest will be plantings in front of it. The sidewalk will be removed and the curb will stay. The sidewalk is partially on the diner property and partially on village property. Regarding the plantings, the deer in the area will be taken into consideration as well as salting during the winter months. That is a problem. We will take any and all comments or suggestions.

Olcott - Did the Planning Board recommend taking the sidewalk out?

Gemmola – It was a comment from the Village. They suggested taking the sidewalk out.

Stephens – But, if it is village property, how can you take it out?

O'Connor – It was approved by the Village. Such approvals are fairly routine, it will be approved in the site plan approval.

Schuyler - That is a Planning Board and Village issue so we will not speak to that.

Gemmola – Abandoning the sidewalk also addresses safety issues. Also there usually is a three year period for plantings and the owner is responsible.

Macdonald – But, after the three year period will the village be responsible?

Gemmola – I am just stating what I know now.

Davis - There is no recommendation from the Planning Board with respect to the removal of the sidewalk.

Klein - The Planning Board has reviewed the material and recommends the removal of the sidewalk and for it to be graded. (Mr. Klein referred the Board to a Memo from Chris Kehoe dated February 13, 2010, 2nd paragraph).

Davis – Suggested a copy be obtained for the record.

Davis – Any other questions or comments?

Mr. Lockwood, 11 Hudson Street. I am definitely against them making 6 Hudson Street a parking area. There was a previous letter dated March 2, 2010 that was sent to the ZBA by Charles Henley, 7 Hudson Street, against the application. There are pictures dated February of 2004 and a letter was sent to the trustees from the owner before Charles owned it. There was also a letter from Leo Wiegman, dated February 2004. Five years ago I tried to sell my house. The reason it did not sell was because that lot was not landscaped. That lot is a residential lot and once you allow someone to do this, others will want to do it and you will need to allow it. This is not a good idea.

Charles Henley – 7 Hudson Street - I was not aware of this letter from Mr. Wiegman (Referring to 2nd Sentence of 2nd Paragraph of letter). Our primary interest is with respect to a long history of problems on Hudson Street. There has never been anyone showing up with any level of support for this application. This is an application for a commercial encroachment in a residential area. This is not necessary. He has available parking. The restaurant has not been expanded. There is parking available across the street. Dom's Service Station uses the parking across the street all the time for his employees and there have never been any safety issues. This is a burden on the existing community and a burden on real estate values. The wall is 30 inches. Envision a chain link fence on top of it. I do not know what kind of landscaping will protect us from this eye sore. I do not think this will be adequate. We will also be getting a dumpster closer to us. What belongs here is a residential use. Hudson Street is residential. This is largely a permanent situation. Years from now they will never be putting up a one-family residence again. There already is an expired permit on Bungalow and he let it lapse. Are we now going to reward him

for the violations and bad behavior? He defied the Planning Board when they tried to stop him from using it as a parking lot. Please keep in mind that just up the hill from this property is the Harmon area. This might just be the beginning of what might also happen there. I hope the vote is unanimous against the application, but don't think that will prevent him from using the property as a parking lot. I request the Board to hold the permit for Bungalow Rd. until he resolves the previous issues and violations. There is heavy traffic in that area and in the winter when the duck pond freezes, crowds of people and kids are there, ice skating, etc., there are benches all over the area. You need to take that into consideration.

Davis – For the record, with respect to others who have come to the previous meetings and made statements, etc., that is all part of the record for those particular meetings.

Davis – Anyone else like to be heard?

There was no reply.

Hearing closed.

Application was granted according to Motions & Conditions within the Resolution attached to the minutes of 5/12/10.

Eric Koeler Amy Bouman, 93 Olcott Ave. Located in a RA-5 District and designated on the Tax Maps of the Village as Section 79.09 Block 1 Lot 8. Request for relief from Section 230-40(B) of the Village Code, with respect to a proposed shed that is proposed to be closer to the street than the primary structure.

Eric Koeler – We are seeking a variance to install a shed closer to the street than the primary residence. The current setbacks for both front and side yards are a little over 7 ft. on each side. The existing house is approximately 11 ft. from the property line. So, anything would need a variance. We park on the Van Cortlandt side of the property.

The applicant referred to plans showing the location and elevations of proposed shed and a grade measurement of about 6 ft.

Stephens – Will you be installing it yourself?

Koeler – No. The company from where we purchase the shed will install it. There will be no foundation.

Stephens - So, It could be picked up and placed somewhere else and not considered to be anchored?

Koeler – You could, but it will be considered to be permanent. I have notified my neighbors and they have no objection.

Discussion followed over plans.

Davis - How close will it be to this house here (referring to plans)?

Koeler - They have a swing set in this area here (referring to plans). The proposed shed will block the view of the swing set.

Olcott - That property also sits down below the applicant's property.

Davis – Any other questions?

There was no reply.

Hearing Closed.

Olcott – Made Motion to grant a variance for relief from Section 230-40(B) of the Village Code with respect to a proposed accessory structure (shed) closer to the street than the primary structure.

Schuyler – Second the Motion
Vote: 5-0 – In Favor.

Respectfully submitted,

Janice Fuentes
ZBA Secretary
5/12/10

RESOLUTION

Peter Tsagarakis/Rakis Inc., has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for the following special permit:

Request for a ZBA Special Permit under Code Section 230-51(C) to allow the location of accessory parking for commercial use (Croton Colonial Diner, Tax Lots 79.09-1-53-54) on Lots (Tax Lot #: 79.09-001-052 & 055) located in a residential district.

The property is located at 6 Hudson Street, 215 So. Riverside Ave. & Bungalow Road, and is located in a RA-5 and C-2 Districts and are designated on the Tax Maps of the Village as Section 79.09 Block 1 Lots 52, 53, 54, & 55.

A public hearing having been held after due notice, this Board from the application and after viewing the premises and neighborhood concerned, finds:

Findings:

1. The applicant has agreed to provide screening including the planting of evergreens in order to create a visual buffer for the neighbors so there will be less un-desirable change to the character of the neighborhood.
2. The applicant will provide benefits including improvement of traffic flow through the lot, provision and maintenance of adequate parking, and the construction of a handicap access ramp, which could not be achieved by any other method.
3. The proposed Special Permit will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The proposed plans will actually improve the current conditions. Handicapped parking spaces will be maintained and a handicapped ramp will also be installed. Safety issues have also been addressed with respect to ingress and egress.
4. Although the situation is self -created, the need to make the restaurant on the property more handicapped accessible to disabled patrons is clear and must be addressed.
5. Improvements along Bungalow Road will be implemented by the removal of the sidewalk and the installation of a stone wall with landscaping between the strips of the wall and the curb.

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby **Granted** as follows and with the following conditions:

Davis - Made Motion to Grant the application according to plans submitted and according to Sheet SY-S-1 of the plans, and with the following conditions:

- a) All employee parking shall be located in the Hudson Street parking area (Lot 55), which shall contain no more than six (6) employees parking spaces.
- b) For safety purposes and to prevent ingress/egress to/from Hudson Street to/from Lots 54, 53, & 52, a new masonry wall will be constructed, with decorative wrought iron fencing installed on top of the new masonry wall and the existing wall.
- c) A landscaping plan will be provided for permanent screening using evergreens to act as a visual barrier for the neighbors.
- d) Neighbor friendly lighting will also be provided throughout the parking lots. Proper maintenance of the fence/wall, visual barrier using evergreens, and lighting, will be the responsibility of the property owner.
- e) The Special Permit will be for a term of three (3) years, after which time an application for renewal shall be made to the Zoning Board.
- f) No further accessory uses will be permitted on any adjacent properties.
- g) The garbage container and disposal will be relocated according to plans submitted and will be enclosed and screened.
- h) The Zoning Board defers all conditions on the removal of the sidewalk and landscaping along Bungalow Road, which involves village owned property, to the Planning Board.

The Zoning Board of Appeals states that its vote to grant the Special Permits sought in the application is based on the ZBA's belief that the proposed site plan and plans for use presented by the applicant represent an improvement over the unimproved lot and illegal use of the lot as a commercial parking lot.

However, the Special Permits are subject to certain conditions:

- (A) The term of the Special Permits granted is three years. The ZBA has so limited its grant of these Special Permits because the ZBA wishes to use such time to determine whether the specially permitted use is required, and whether it creates an undesirable change in the character of the neighborhood or a detriment to nearby properties.

(B) The ZBA specifically states that it does not consider this vote as a precedent, and all interested parties are hereby on notice that, in the event that the conditions in granting the Special Permits (as set forth in the ZBA's Resolution) are not met, that the ZBA will not hesitate to deny any application for their extension.

Olcott - Second the Motion

Vote: 4-1 – In Favor – Davis, Macdonald, Stephens, Olcott,
Against - Schuyler

5/12/10

According to Section 230-164 (E)), “Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void.

RESOLUTION

Peter Tsagarakis/Rakis Inc., has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for the following special permit:

Request for a ZBA Special Permit under Code Section 230-52(B) to allow the location of accessory parking spaces for a commercial use (Croton Colonial Diner, Tax Lots 79.09-1-53 & 54) on a lot (Old Harmon Subdivision Lot #99), part of Tax Lots 79.09-1-52 & 53 divided by a district boundary (C-2/RA-5).

The property is located at 6 Hudson Street, 215 So. Riverside Ave. & Bungalow Road, and is located in a RA-5 and C-2 Districts which are designated on the Tax Maps of the Village as Section 79.09 Block 1 Lots 52, 53, 54, & 55.

A public hearing having been held after due notice, this Board from the application and after viewing the premises and neighborhood concerned, finds:

Findings:

3. The applicant has agreed to provide screening including the planting of evergreens in order to create a visual buffer for the neighbors so there will be less un-desirable change to the character of the neighborhood.
4. Applicant will provide benefits, including improvement of traffic flow through the lot, provision and maintenance of adequate parking, and the construction of a handicap access ramp, which could not be achieved by any other method.
6. The proposed Special Permit will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The proposed plans will actually improve the current conditions. Handicapped parking spaces will be maintained and a handicapped ramp will also be installed. Safety issues have also been addressed with respect to ingress and egress.
7. Although the situation is self-created, the need to make the restaurant on the property more accessible to patrons with disabilities is clear and must be addressed.
8. Improvements along Bungalow Road will be implemented by the removal of the sidewalk and the installation of a stone wall with landscaping between the strips of the wall and the curb.

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby **Granted** as follows and with the following conditions:

Davis - Made Motion to Grant the application according to plans submitted and according to Sheet SY-S-1 of the plans, and with the following conditions:

- i) All employee parking shall be located in the Hudson Street parking area (Lot 55), which shall **contain at least** six (6) employees parking spaces.
- j) For safety purposes and to prevent ingress/egress to/from Hudson Street to/from Lots 54, 53, & 52, a new masonry wall will be constructed, with decorative wrought iron fencing installed on top of the new masonry wall and the existing wall.
- k) A landscaping plan will be provided for permanent screening using evergreens to act as a visual barrier for the neighbors.
- l) Neighbor friendly Lighting will also be provided throughout the parking lots. Proper maintenance of the fence/wall, visual barrier using evergreens, and lighting, will be the responsibility of the property owner.
- m) The Special Permit will be for a term of three (3) years, after which time an application for renewal shall be made to the Zoning Board.
- n) No further accessory uses will be permitted on any adjacent properties.
- o) The garbage container and disposal will be relocated according to plans submitted and will be enclosed and screened.
- p) The Zoning Board defers all conditions on the removal of the sidewalk and landscaping along Bungalow Road, which involves village owned property to the Planning Board.

The Zoning Board of Appeals states that its vote to grant the Special Permits sought in the application is based on the ZBA's belief that the proposed site plan and plans for use presented by the applicant represent an improvement over the unimproved lot and illegal use of the lot as a commercial parking lot.

However, the Special Permits are subject to certain conditions:

- (C) The term of the Special Permits granted is three years. The ZBA has so limited its grant of these Special Permits because the ZBA wishes to use such time to determine whether the specially permitted use is required, and whether it creates an undesirable change in the character of the neighborhood or a detriment to nearby properties.

(D) The ZBA specifically states that it does not consider this vote as a precedent, and all interested parties are hereby on notice that, in the event that the conditions in granting the Special Permits (as set forth in the ZBA's Resolution) are not met, that the ZBA will not hesitate to deny any application for their extension.

Olcott - Second the Motion

Vote: 5-0 – In Favor – Davis, Stephens, Olcott, Schuyler, Macdonald,
5/12/10

According to Section 230-164 (E)), “Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void.

RESOLUTION

Peter Tsagarakis/Rakis Inc., has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for the following special permit:

Request for a ZBA Area Variance under Code Section 230-49(C) (1) to allow the driveway access between the commercial property (Croton Colonial Diner, Tax Lots 79.09-1-53, & 54) and accessory parking on lots (Tax Lots 79.09-1-52 & 55) in a residential district.

The property is located at 6 Hudson Street, 215 So. Riverside Ave. & Bungalow Road, and is located in a RA-5 and C-2 Districts and are designated on the Tax Maps of the Village as Section 79.09 Block 1 Lots 52, 53, 54, & 55.

A public hearing having been held after due notice, this Board from the application and after viewing the premises and neighborhood concerned, finds:

Findings:

5. The applicant has agreed to provide screening including the planting of evergreens in order to create a visual buffer for the neighbors so there will be less un-desirable change to the character of the neighborhood.
6. The applicant will provide benefits including improvement of traffic flow through the lot, provision and maintenance of adequate parking, and the construction of a handicap access ramp, which could not be achieved by any other method.
9. The proposed Area Variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The proposed plans will actually improve the current conditions. Handicapped parking spaces will be maintained and a handicapped ramp will also be installed. Safety issues have also been addressed with respect to ingress and egress.
10. Although the situation is self-created, the need to make the restaurant on the property more handicapped accessible is clear and must be addressed.

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby **Granted** as follows and with the following conditions:

Davis - Made Motion to Grant the application according to plans submitted and according to Sheet SY-S-1 of the plans, and with the following conditions:

- q) All employee parking shall be located in the Hudson Street parking area (Lot 55), which shall contain **at least** six (6) employees **only** parking spaces.
- r) For safety purposes and to prevent ingress/egress to/from Hudson Street to/from Lots 54, 53, & 52, a new masonry wall will be constructed, with decorative wrought iron fencing installed on top of the new masonry wall and the existing wall.
- s) A landscaping plan will be provided for permanent screening of evergreens to act as a visual barrier for the neighbors.
- t) **Neighbor friendly** lighting will also be provided throughout the parking lots. Proper maintenance of the fence/wall, visual barrier of evergreens, and lighting, will be the responsibility of the property owner.
- u) No further accessory uses will be permitted on any adjacent properties.
- v) The garbage container and disposal will be relocated according to plans submitted and will be enclosed and screened.
- w) **The Zoning Board defers all conditions on the removal of the sidewalk and landscaping along Bungalow Road, which involves village owned property, to the Planning Board.**

Macdonald - Second the Motion

Vote: 5-0 – In Favor – Davis, Macdonald, Stephens, Olcott, Schuyler

5/12/10

According to Section 230-164 (E)), “Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void.

RESOLUTION

Michael Klein has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, Request for relief from Section 230-40(B) of the Village Code with respect to a proposed accessory building being nearer the street than the principal building..

The property, at 12 Riverview Trail, is located in a RA-25, District and is designated on the Tax Maps of the Village as Section 68.17 Block 1 Lot 09.

A public hearing having been held after due notice, this Board from the application and after viewing the premises and neighborhood concerned, finds:

There will be no undesirable change to the character of the neighborhood or detriment to nearby properties.

The benefit sought by the applicant cannot be achieved by any other method due to the topography of the land.

The proposed variance will not have an adverse affect on the physical or environmental conditions of the neighborhood or district.

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby **Granted** as follows:

Schuyler – Made Motion to grant the application as submitted for relief from Section 230-40 (B) of the Village Code with respect to an accessory structure (proposed one car garage) being closer to the street than the primary building.

Stephens – Second the Motion

Vote: 5-0 – In Favor – Schuyler, Stephens, Davis, Olcott, Macdonald

5/12/10

According to Section 230-164 (E)), “Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void.

RESOLUTION

Katherine & Clayton Howe, have applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a rear yard variance to construct a gazebo and landing and to attach it to the existing deck.

The property, 10 Dailey Drive, is located in a RA-25, District and is designated on the Tax Maps of the Village as Section 68.14 Block 6 Lot 3.

A public hearing having been held after due notice, this Board from the application and after viewing the premises and neighborhood concerned, finds:

There will be no undesirable change to the character of the neighborhood or detriment to nearby properties.

The proposed variance will not have an adverse affect on the physical or environmental conditions of the neighborhood or district.

The benefit sought by the applicant cannot be achieved by any other method due to the topography of the land.

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby **Granted** as follows:

Olcott – Made Motion to grant a 14 ft. variance for the existing deck and proposed gazebo according to plans submitted and with the following conditions:

The exposed posts will be screened.

The height will be no more than 18 ½ ft. measured from grade.

The Gazebo will be physically connected to the lower portion of the existing deck.

Stephens – Second the Motion

Vote: 5-0 In Favor – Olcott, Stephens, Davis, Schuyler, Macdonald

5/12/10

According to Section 230-164 (E)), “Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void.

